

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CR-00189-FL

United States of America,

v.

Roy Lee Fowler,

Defendant.

Order

Counsel for Defendant Roy Lee Fowler has requested that the court order that the defendant undergo a psychiatric examination, pursuant to 18 U.S.C. §§ 4241 *et seq.*, to determine if he is presently suffering from a mental disease or defect to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist in his defense.

After holding a hearing where the defendant was present and represented by counsel, as was the United States, the court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Therefore, it is ordered that the defendant shall be committed to the custody of the Attorney General, who shall hospitalize the defendant for treatment in a suitable facility for a reasonable period of time, not to exceed thirty days, pursuant to 18 U.S.C. § 4247(b), and to be examined by at least one qualified psychiatrist or psychologist, for the purpose of determining whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

It is further ordered that the psychiatrist or psychologist who examines the defendant shall prepare and file a psychiatric or psychological report pursuant to the provisions of Section 4247(c). The court will then hold a hearing pursuant to Section 4247(d) to determine the defendant's competency.

Furthermore, defense counsel shall file a notice within seven days of the filing of this order indicating whether she intends to withdraw the pending Motion to Suppress (D.E. 38) and Motion to Sequester (D.E. 39). If counsel withdraws the motions prior to this deadline, she is relieved of the responsibility to file the notice. Any withdrawal would be without prejudice to refiling the motions once the court has resolved the competency issue.

Dated: October 3, 2018



Robert T. Numbers, II
United States Magistrate Judge